

Acton Leadership Group

Thursday, October 7, 2010 7:15AM

Faulkner Hearing Room, Acton Town Hall

Present: Lauren Rosenzweig-Morton, Steve Ledoux, Mike Gowing, Xuan Kong, John Petersen, Don Aicardi, Mary Ann Ashton, Bart Wendell facilitating

Audience: Clint Seward, Charlie Kadlec, Dick Calendrella, Marie Altieri, Ruth Kohls

Agenda Item: Informational discussion on Special Town Meeting warrant

Rosenzweig-Morton reviewed the history and progress of the Simeone – Caouette land purchase:

- The land had been in Chapter 61A so when the family decided to sell it, the town has right of first refusal. The original appraisal showed space for 6 house lots at a value of \$100,080. An error in calculation of division of the mill pond now leaves 5 lots and the existing house was included in the original appraisal when it should not have been.
- The town wishes to save the farm for two reasons:
 - To save the farm land, adjacent to the Simeone farm. The Simeones would continue to farm the land. This acreage helps make the operation viable with much of the produce sold locally. The parcel is identified in the South Acton Village Plan as a priority to keep as open space
 - It is adjacent to the Assabet River Rail Trail
- April 2010 Town Meeting supported the purchase and the town has pursued the purchase with due diligence. Once the process started, there is a deadline of 120 days to conclude it. The deadline has passed and the town asked for an extension to continue negotiation, which the owners have agreed to. Some funds for continuance fees, etc. have been expended from the general budget.
- Environmental remediation will be required. The town has been responsive to environmental groups who have asked for more testing. The remediation costs are now estimated to be lower than originally thought.
- The reappraised value is \$830,000.
- The owners are controlling the clock.
- There has been a lot of support for the purchase, though the price is increasing. The original idea was to go to town meeting for the difference between the appraised value and the price from free cash.
- This is a strategic purchase and it is the intent of the board of selectmen to continue to negotiate with the family to reduce costs, to continue seeking grants, and to continue outreach to economic development groups.

Ledoux continued by noting that the warrant is predicated on the higher value and funding up to \$200,000 in cleanup expenses. CPC funds can only be expended up to the appraised value of the

property. The Selectmen will meet on Friday morning to consider a special meeting within a special town meeting on October 25. The closing is scheduled for October 26.

It was noted that a death in the Simeone – Caouette family will delay some communications.

Rosenzweig-Morton planned to make a call, but the Selectmen will likely not be able to meet with the family until Tuesday morning, October 12.

Rosenzweig-Morton noted that there is also the possibility for a cluster development, allowing for more units, or a 40B could be built if the law is not repealed in November. Other possibilities allowed under zoning include day care, school or religious institution. In the current scenario, the area with the pollution will be used as green area next to the rail trail. Other considerations: the town is in a good reserve position. The current difference between appraised value and price plus remediation expenses plus some out of pocket expense is about \$370,000. The town will still try to negotiate a lower price, but there is a risk of letting it go to a developer.

Rosenzweig-Morton asked if people understand what is going on and whether they feel comfortable with the financial issues. She added that she felt it necessary to maintain mutual communication with the other boards and will ask for the recommendation of the Finance Committee on the articles. The School Committee would not make a recommendation since this is outside their purview.

Wendell checked to see if he was correct in that this meeting was to ensure that there are no surprises from the boards at Town Meeting and that questions, concerns and objections should be raised now, or at least prior to the meeting.

Rosenzweig-Morton agreed and added that she hoped that this discussion and any agreement to use reserve funds would avoid bad feelings when discussing the next budget.

Gowing pointed out that the Selectmen would be meeting with the open space committee prior to its own meeting on Friday morning.

Peterson, speaking only for himself and not for the school committee, felt that there is no merit in considering the sunk costs, money already spent on legal fees, etc. The single family valuation is not necessarily relevant. If we own the land for years outward, the purchase price won't matter so much. He is highly motivated to complete the purchase.

Ashton pointed out that it is important that there be agreement on the use of reserves. There are ramifications on other things down the road. The finance committee is divided and did not make a recommendation at its meeting on October 5. The project started with the idea of using \$200,000 from reserves and that has grown to \$400,000. We have a very adequate group of reserves that we can now make new decisions on using. The finance committee wants not to tax to the max, so that could leave some untapped levy capacity. The impact of the state ballot questions is not yet known. Everyone needs to be comfortable with this level of free cash use and the other impacts that will have on the budget. The finance committee will take a position before Town Meeting.

Kong added that the school committee has not met to discuss and so have no input. However, he is in support of the purchase and agrees that the costs already incurred should not be part of any discussion going forward. The town should understand the need to project and include these costs up front.

Gowing added that you can anticipate costs, but not how much in every case.

Ashton agreed with Kong and recommended that the relevant committees should gather when it's all over to debrief on costs and process. Committees have to do work in the public eye, but this is a private purchase.

In response to a question, it was determined that approximately \$139,000 has been spent as of last week on things such as environmental testing, earnest payment, legal fees, appraisal fees, and survey fees.

Since what the Selectmen will recommend at the October 12 town meeting is not clear due to the tight timeline and the death in the Simeone-Caouette family limiting the ability to meet with them, there was no way to know whether there would be a need for another Special Town Meeting on October 25. Any action that the Town Meeting can take is limited by the articles on the warrant and new articles based on new information cannot be posted in time for consideration on the 12th. Any information that is available is and will be posted to the town website. School Committee members agreed that Rosenzweig-Morton should speak during public participation at that evening's meeting.

Charlie Kadlec was concerned that the situation be communicated clearly so that voters don't show up for the meeting only to learn that it will be postponed. In addition, it needs to be clearly communicated that the town will not get a second bite at the apple if this opportunity is not taken. He would communicate to his list. ALG members agreed that they would get the word out as well.

Adjournment at 8:00AM

Next meeting October 28.

Respectfully submitted,
Jo-Ann Berry